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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,725	01/02/2004	James A. Swisher	D-7503	1382

7590 02/08/2006

Arthur G. Yeager, P.A.  
245-1 East Adams Street  
Jacksonville, FL 32202-3336

EXAMINER

PATEL, VISHAL A

ART UNIT PAPER NUMBER

3673

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/750,725

Applicant(s)

SWISHER, JAMES A.

Examiner

Vishal Patel

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4,6-9,11-14 and 16-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-9,11-14 and 16-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because figures 1-3 have improper cross-hatching.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “pair of trunnion assemblies” and “improved trunnion assemblies” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing

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sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 6-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6, lines 3-5, the limitations in these lines are confusing and make the claim unclear.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4, 6-9, 11-14 and 16-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Feger et al (US. 3,921,962).

Feger discloses a trunnion assembly for a mortar mixer including a substantially cylindrical drum having end plates and an elongate paddle shaft mounted horizontally and extending into a bearing through each drum end plate into a bearing carried by the trunnion assembly (intended use), the trunnion assembly comprising a housing (4), the housing having an interior space (space inside of 41) defined by an interior surface (surface that surrounds such shaft) around such shaft (intended use), a first seal means (seal means 13', 55', 9 or 10) adjacent an end plate (end plate adjacent the seal means 9) and positioned around such shaft, first mounting means (means that mounts the seal means to housing) for affixing the first seal means between such shaft and the interior surface, a second seal means (16) spaced outwardly from the first seal and positioned around such shaft, second mounting means (means that mounts the seal 16 to housing) for affixing the second seal between such shaft and the interior surface, the first and second seal means partitioning a portion of the interior space to define a first chamber (chamber having 54) for carrying grease, the second seal means being spaced away from a shaft bearing (20) to partition a second portion of the interior space to define a second chamber (chamber having 57) for carrying grease, the housing including a first grease passageway (passageway communicating with the first chamber) for providing grease into the first chamber and a second grease passageway (passageway communicating with the second chamber) away from the first grease passageway, the first and second grease passageways being separate distinct and non-communicating with each other such that the first and second chambers are individually

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greased respectively from the first and second grease passageways (the passageways are separate distinct and non-communicating with each other).

Regarding claim 2: The trunnion assembly having the first seal means includes a plurality of resilient seal elements (elements 9 and 10), each the seal element having one end portion *in contact with such shaft (intended use, applicant has not claimed the mortar mixer having the shaft)*.

Regarding claims 3-4: The trunnion assembly having the second seal means includes a single resilient seal element (element of the second seal means 16), the single seal element having one end portion (the element has an end portion) *in contact with such shaft (intended use)*.

Regarding claim 6: The trunnion assembly is mounted on each end of the shaft, this would be the case as described in copending application 510,741, that mixer of Feger have two shafts that have two trunnion assemblies (see patent 3,937,446). The trunnion having grease fittings (fittings that connect grease lines to the housing).

Regarding claim 7: The trunnion assemblies having the first seal means includes a plurality of resilient seal elements, each of the seal element having one end portion (end portions of the seal elements) *in contact with such shaft (intended use)*.

Regarding claims 8-9: The trunnion assemblies having the second seal means includes a single resilient seal element (element of the second seal means 16), the single seal element having one end portion (end portion of 16) *in contact with such shaft (intended use)*.

Regarding claim 11: An improved trunnion assembly having the improvement comprising a first seal means adjacent the first end portion and positioned around such shaft, the

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first seal means including at least one first seal element (elements 9 and 10) and mounting means for mounting said at least one seal element to the interior surface and *in contact with such shaft (intended use)*, a second seal means (seal means 16) spaced away from the first seal means including at least one second seal element (element of 16) and mounting means for mounting said at least one second seal element to the interior surface and *in contact with such shaft (intended use)*, a portion of the interior space between the at least one first seal element and the at least one second seal element defining a first chamber for carrying lubricating material therein, a portion of the interior space between the at least one second seal element and a bearing mounted in the end portion defining a second chamber for carrying lubricating material therein, the housing including a first grease fitting and a first passageway communicating between the first grease fitting and the first chamber and a second grease fitting spaced away from the first grease fitting and a second passageway spaced away from the first passageway communicating between the second grease fitting and the second chamber.

Regarding claim 12: The improved trunnion assembly having the first seal means includes a plurality of resilient seal elements, each of the seal element having one end portion (end portions of the seal elements) *in contact with such shaft (intended use)*.

Regarding claims 13-14: The improved trunnion assembly having the second seal means includes a single resilient seal element (element of the second seal means 16), the single seal element having one end portion (the element has an end portion) *in contact with such shaft (intended use)*.

Regarding claim 16: The improved trunnion assembly is mounted on each end of the shaft (two assemblies), this would be the case as described in copending application 510,741,

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that mixer of Feger have two shafts that have two trunnion assemblies (see patent 3,937,446).

The trunnion having grease fittings (fittings that connect grease lines to the housing).

Regarding claim 17: The trunnion assemblies having the first seal means includes a plurality of resilient seal elements, each of the seal element having one end portion (end portions of the seal elements) *in contact with such shaft (intended use)*.

Regarding claims 18-19: The trunnion assemblies having the second seal means includes a single resilient seal element (element of the second seal means 16), the single seal element having one end portion (end portion of 16) *in contact with such shaft (intended use)*.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-4, 6-9, 11-14 and 16-19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Derner and Feerick teach all the limitations of the claims. Thompson and Feerick teach all the limitations of the claims. Chubb teaches all the limitations of the claims. Anastase et al and Feerick teach all the limitations of the claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishal Patel whose telephone number is 571-272-7060. The examiner can normally be reached on 6:30am to 8:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. James Lee can be reached on 571-272-7044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP  
February 1, 2006

A handwritten signature in black ink, appearing to read 'Vishal Patel', with a stylized flourish at the end.

Vishal Patel  
Patent Examiner  
Tech. Center 3600